



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: November 9, 2018
Comment Deadline: December 7, 2018
Corps Action ID Number: SAW-2016-00465

The Wilmington District, Corps of Engineers (Corps) received information from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army authorization to discharge dredged or fill material into waters of the United States, associated with improving NC 73 from NC 16 to Northcross Drive (SR 2316), a distance of approximately 8.5 miles, in Lincoln and Mecklenburg Counties. The two projects are identified as NCDOT State Transportation Improvement Program (STIP) Project Numbers R-5721 and U-5765.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Mr. Wilson Stroud
North Carolina Department of Transportation
Project Management Unit
Project Manager
1582 Mail Service Center
Raleigh, North Carolina 27699-1582

Agent: Mr. David Robinson
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Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps is soliciting public comment on the merits of this proposal and on the alternatives considered. At the close of this comment period, the District Commander will evaluate and consider the comments received, as well as the expected adverse and beneficial effects of the proposed road construction, to select the least environmentally damaging practicable alternative (LEDPA). The District Commander is not authorizing construction of the proposed project at this time. A final DA permit may be issued only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan for unavoidable impacts has been approved.

Location

Location Description: The proposed projects begin in eastern Lincoln County, approximately eleven miles east of the City of Lincoln, and extend east along NC 73 for approximately 8.5 miles to Huntersville in northern Mecklenburg County. The study area boundary for these projects encompasses the proposed transportation improvements (Figure 1).

Nearest Towns: Huntersville, Cornelius

Nearest Waterway: Lake Norman and Catawba River

River Basin: Catawba

Latitude: 35.4388172519537

Longitude: -80.9396196276189

Existing Site Conditions

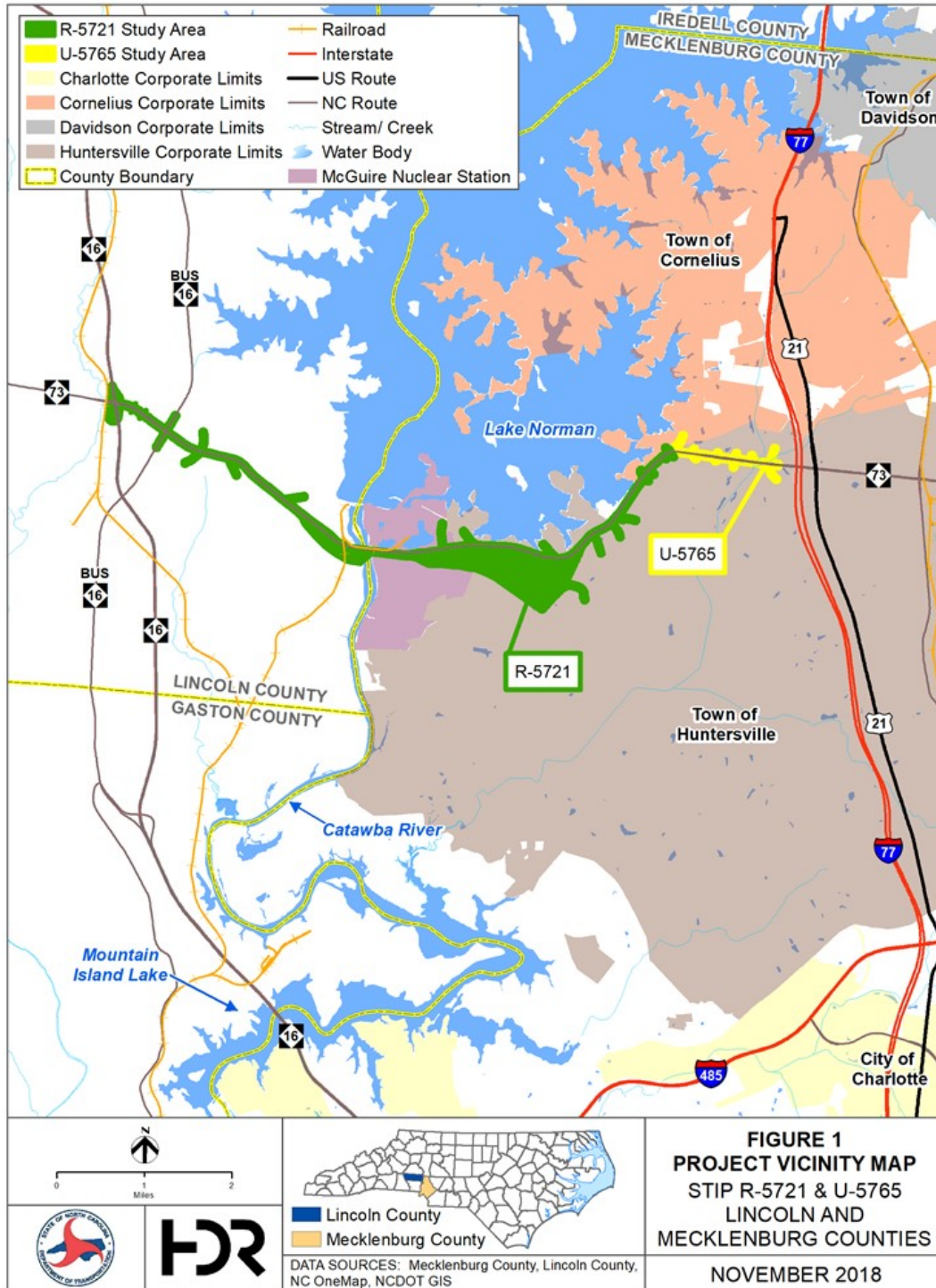
Lincoln and Mecklenburg Counties are located within the piedmont region of central North Carolina. The project begins in eastern Lincoln County, where historically rural agricultural land use is transitioning to residential and commercial developments. Notable retail, commercial, and residential development are clustered on the western and eastern ends of the study area near NC 16 and I-77, respectively. The central portion of the study area is constrained by the Catawba River, Lake Norman, the McGuire Nuclear Station, and large transmission towers/corridors. Development is advancing east from NC 16 and west from the Town of Huntersville.

The roadway to be improved as part of the proposed project includes NC 73 (Principal arterial). Principal arterials provide a high degree of mobility by serving major centers of metropolitan areas, as well as providing mobility through rural areas.

Existing NC 73 varies from two to four lanes with a raised median along some portions of the project corridor. The existing typical sections along the project corridor are defined as follows:

- NC 16 to NC 16 Business – four lanes with a raised median.
- NC 16 Business to Pilot Knob Road (SR 1394) – three lanes.
- Pilot Knob Road to Windaliere Drive/Norman View Lane – two lanes with some turn lanes.

- Windaliere Drive/Norman View Lane to West Catawba Avenue (SR 5544) – three lanes.
- West Catawba Avenue to Northcross Drive – five lanes and four lanes with a raised median.



There is currently no control-of-access along NC 73, which limits the level of mobility and travel speeds through the corridor due to numerous driveways for residences and businesses on both sides of the road. The existing right-of-way of NC 73, within the project study area, varies between 60 and 220 feet, and the existing speed limit varies between 45 miles per hour (mph) and 55 mph.

At the western end of the project NC 73 interchanges with NC 16. NC 16 is a north/south route that is a four-lane roadway at the interchange. Along the NC 73 corridor there are fifteen (15) signalized intersections and one (1) railroad crossing near the McGuire Nuclear Plant. Northcross Drive at the project's eastern terminus consists of one through lane and two turn lanes (dedicated left and right) at the NC 73 intersection.

Water resources in the Study Area are part of the Catawba River basin [U.S. Geological Survey (USGS) Hydrologic Unit 03050101]. Eighteen streams were identified in the study area; all are identified as jurisdictional. All jurisdictional streams in the study area have been designated as warm water streams for the purposes of stream mitigation. Sixteen jurisdictional wetlands were identified within the study area.

There are no designated anadromous fish waters or Primary Nursery Areas (PNA) in the study area. There are no designated High Quality Waters (HQW) or water supply watersheds (WS-I or WS-II) within 1.0 mile downstream of the study area. The Catawba River at Lake Norman is the only body of water listed on the North Carolina Draft 2016 303(d) list of impaired waters in the study area. This impairment is due to PCB fish tissue advisory. There are no sites monitored by NC Stream Fish Community Assessment Program or the NCDWR Ambient Monitoring System within 1.0 mile downstream of the study area.

The project is located within the Catawba River Basin. The project is within an area where buffer rules apply.

Applicant's Stated Purpose

The purpose of the proposed project is to increase the traffic carrying capacity of NC 73 within the study area to operate at an acceptable level of service (LOS D or better) through the design year 2040 and preserve long-term mobility of the corridor. A secondary purpose is to safely accommodate multi-modal uses of the corridor.

Project Description

North Carolina State Transportation Improvement Program (STIP) Project Nos. R-5721 and U-5765 consist of widening NC 73 from NC 16 to Northcross Drive (SR 2316), a distance of approximately 8.5 miles. These projects are included in the 2018-2027 STIP. The limits for each project are described as follows and are shown in Figure 1:

- R-5721–Widen NC 73 to multi-lanes from NC 16 to West Catawba Avenue (SR 5544), Lincoln and Mecklenburg Counties

- U-5765–Widen NC 73 from West Catawba Avenue to Northcross Drive, Mecklenburg County

Detailed Study Alternatives (DSA)

Initial concurrence on the alternatives for detailed study was reached at a NEPA/404 Merger Team meeting held on August 9, 2017. The alternatives were revisited and formal concurrence was reached on March 22, 2018. Team members agreed on the study alternatives described below:

- **Alternative 1 – Best Fit Widening Along Existing NC 73**

Alternative 1 proposes best-fit widening along the existing alignment of NC 73. A four-lane divided facility, with varying median widths of 17.5' to 35' generally from NC 16 Business to West Catawba Avenue and a six-lane divided facility, with varying median widths of 23' – 35' from West Catawba Avenue to Northcross Drive are expected to operate acceptably in the future if geometric improvements are made to intersecting roads and signal phasing modifications are implemented.

- **Alternatives 2A and 2B – Best Fit Widening Along Existing NC 73 with Realignment in the vicinity of the McGuire Nuclear Station and Beatties Ford Road**

Alternative 2A resembles an alignment proposed in local and regional plans (see additional discussion below). Alternative 2B provides a more shallow realignment than Alternative 2A.

A traffic analysis that prompted the Northwest Huntersville Transportation Study indicated heavy left turn movements from northbound Beatties Ford Road to westbound NC 73. Improvements considered to address these traffic volumes, including a wider intersection or flyover along existing NC 73, were determined not to be reasonable in that study. Thus, the NC 73 realignment option was developed and subsequently endorsed by the Town and adopted by Charlotte Regional Transportation Planning organization (CRTPO).

In addition to the Build Alternatives (i.e., Detailed Study Alternatives, or DSAs), a No-Build Alternative is also being considered as a baseline against which the benefits, costs, and impacts of the Build Alternatives could be compared. NCDOT has preliminarily determined that the No-Build Alternative wouldn't meet the project's purpose/need. The Alternatives are compared in Table 1.

Impacts to waters of the United States for the Detailed Study Alternatives (DSAs) are also listed in Table 1. These impact estimates were calculated based on preliminary roadway design slope stake limits plus 25 feet. Figure 2 provides an index for Figures 3.1-3.9, which show anticipated impacts to jurisdictional streams and wetlands. Figures 3.5 and 3.6 illustrate the realignment portions of Alternatives 2A and 2B, respectively.

Water resources in the study area are part of the Catawba River Basin. Based on a preliminary hydraulic study, eight crossings require structures that are 72 inches or greater in diameter. All other crossings can be contained in smaller pipes. The structure locations and hydraulic sites are shown on

Figures 3.1-3.9. Jurisdictional areas have been surveyed and mapped using GPS. The impact area for streams and wetlands is defined as the slope stakes plus a 25-foot buffer area.

Table 1. Detailed Study Alternative Comparison

Resource/Affected Environment	Alternative 1	Alternative 2 Realignment*	
		Alt 2A	Alt 2B
General Project Information			
Length of Project (miles)	8.5	8.8 (1.8 miles on New Location)	8.7 (1.1 miles on New Location)
Cultural Resources			
Historic Properties	Stillwell-Hubbard Complex; Adverse Effect (Determined Eligible for National Register of Historic Places)		
Archaeology	<i>Archaeological Survey Of Federalized Permit Areas Is Recommended Prior To Permitting Activities.</i>		
Human Environment			
Churches/Cemetery (#)**	4	0	1
Schools**	2	0	0
Public Parks	Blythe Landing Community Park	0	
Greenways, Game Lands, Land and Water Conservation Fund Properties, etc. (#)	3 – Hwy 73 Access Area, Cowans Ford Waterfowl Refuge, McDowell Creek Greenway	0	
High % Special Populations	Language Assistance (Spanish)		
Relocations	<i>To Be Determined</i>		
Natural Environment			
Threatened or Endangered Species with a 'No Effect' Biological Conclusion	4 – Dwarf-flowered heartleaf, Michaux's sumac, Schweinitz's sunflower, Smooth coneflower		
Threatened or Endangered Species Requiring Additional Surveys	2 – Northern long-eared bat, Carolina heelsplitter		
Streams (linear feet)	2,280	1,400	860
Wetlands (acres)	2.10	0.00	0.91
Critical Water Supply Watersheds	2 – Lake Norman, Mountain Island Lake		
Riparian Buffer Rules	Catawba River Basin		
Identified Critical Habitat (# known)	None known		
Physical Environment			
Haz Mat (# suspected/known sites)	<i>Impacts To Be Determined</i>		
Utilities	McGuire Nuclear Station, electric, water, sewer, power transmission corridors and towers, phone		
Voluntary Agricultural District	1	0	
Noise	<i>Impacts To Be Determined</i>		

Federal Energy Regulatory Commission (FERC) Licensing	
3 – as part of the Catawba-Wateree Project – Hwy 73 Access Area, Mountain Island Development (Catawba River), and Cowans Ford Development (Hicks Crossroads Dike)	N/A

** The impacts for the Alternative 2 realignment options reflect only the section of realignment between approximately McGuire Nuclear Station and Beatties Ford Road.*

*** Does not indicate relocation – only potential impact.*

Avoidance, Minimization and Compensatory Mitigation

Through development of the preliminary designs of the DSAs, NCDOT has attempted to avoid or minimize impacts to streams and wetlands to the greatest practicable extent. This included developing alignments and intersection configurations for the DSAs that avoided these resources as much as possible, while also minimizing impacts to other resources. NCDOT will continue to seek ways to avoid and minimize impacts in further design efforts for the selected Alternative.

The purpose of compensatory mitigation is to offset unavoidable functional losses to the aquatic environment resulting from project impacts to waters of the United States. NCDOT will investigate potential on-site compensatory mitigation opportunities for the selected alternative. If on-site mitigation is not feasible, or a sufficient amount of mitigation is not available on-site, mitigation will be provided by the NC Department of Environmental Quality - Division of Mitigation Services (NCDEQ-DMS).

Essential Fish Habitat

According to a January 11, 2016 search of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Essential Fish Habitat Mapper, there is no Essential Fish Habitat within the study area.

Cultural Resources

The proposed project is subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, Appendix C of 33 CFR Part 325, and the Revised Interim Guidance for Implementing Appendix C. The District Engineer is consulting district files and records and the latest published version of the National Register of Historic Places and initially determined that the Stillwell-Hubbard Complex is eligible for inclusion in the National Register, and is present within the Corps' permit area; moreover, the undertaking may constitute an adverse effect on the historic property/complex. The Corps subsequently is initiating consultation with the SHPO.

The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present. An Archaeological survey of federal permit areas is recommended prior to finishing the Corps' permit evaluation. A permit decision will not be made until the consultation process is complete.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species for Dwarf-flowered heartleaf, Michaux's sumac, Schweinitz's sunflower, Smooth coneflower and Carolina heelsplitter, or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species, the Northern long-eared bat, or their formally designated critical habitat.
- The Corps will initiate consultation under Section 7 of the ESA and follow procedures outlined in the Standard Local Operating Procedures for Endangered Species (SLOPES) for the Northern long-eared bat. A permit decision will not be made until the consultation process is complete.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to select the least environmentally damaging practicable alternative (LEDPA) for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement

(EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 7, 2018. Written comments should be submitted to Ms. Nicholle Braspennickx, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, or by phone at 704.510.0162, or by email to Nicholle.M.Braspennickx@usace.army.mil.